

COURT EXHIBIT # 2

DATE: 11/20/13
TIME: _____
CASE: 10-cv-02730 (AJN)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL MOREL, :
 :
 :
 Plaintiff, :
 :
 -v- :
 :
 : 10 Civ. 2730 (AJN)
 :
 AGENCE FRANCE PRESSE and :
 :
 GETTY IMAGES, INC., :
 :
 :
 Defendants. :
-----X

VERDICT FORM

Draft Sent to Attorneys (Updated)

Copyright Infringement—Actual Damages and Profits

I have instructed you that I have already decided that AFP and Getty Images have each infringed Mr. Morel's copyright in the eight photographs at issue. Therefore, you must determine the amount of damages that Defendants should pay for copyright infringement.

Mr. Morel may choose to recover actual damages, plus any of the Defendants' profits attributable to the infringements. Accordingly, answer both of the following questions in accordance with my Instruction 14.

1. How much actual damage do you find that Mr. Morel suffered as a result of Defendants' infringement with respect to the eight photographs?

\$ _____

2. How much of each Defendant's profits do you find were attributable to their infringement of Mr. Morel's copyright in the eight photographs? You may not include any amounts that you already included in determining actual damages for Question 1.

AFP: \$ _____ Getty Images: \$ _____

Copyright Infringement—Statutory Damages

Mr. Morel may instead choose to recovery statutory damages. Accordingly, answer all three of the following questions in accordance with my Instructions 15–17.

3. Do you find that **AFP's** infringement was willful, innocent, or regular?

Willful: _____ Innocent: _____ Regular: _____

4. Do you find that **Getty Images'** infringement was willful, innocent, or regular?

Willful: _____ Innocent: _____ Regular: _____

5. Write the total amount of statutory damages for the Defendants' infringement of the eight photographs. Decide on a separate award for each of the eight photographs and add those numbers up to reach a total.

\$ _____

Providing or Distributing False Copyright Management Information

Answer the following questions in accordance with my Instruction 22.

6. Do you find that **AFP**, with respect to the eight photographs at issue, knowingly and with the intent to induce, enable, facilitate, or conceal infringement, provided or distributed copyright management information that was false?

Yes: ____ No: ____

7. Do you find that **Getty Images**, with respect to the eight photographs at issue, knowingly and with the intent to induce, enable, facilitate, or conceal infringement, provided or distributed copyright management information that was false?

Yes: ____ No: ____

8. If you answered “Yes” to either Question 6 or Question 7, how many violations do you find were committed by:

- a. AFP alone: _____
- b. Getty Images alone: _____
- c. AFP and Getty Images together: _____

Your answers to a, b, and c should not add up to more than 8.

Removing or Altering Copyright Management Information

Answer the following questions in accordance with my Instruction 23.

9. Do you find that **AFP**, with respect to the eight photographs at issue,
- Intentionally removed or altered CMI without Mr. Morel's permission;
 - Distributed or imported for distribution CMI, knowing at the time of distribution or importation that the CMI had been removed or altered without Mr. Morel's permission; or
 - Distributed or imported for distribution Mr. Morel's photographs, knowing at the time of distribution or importation that the CMI had been removed or altered without Mr. Morel's permission,

while knowing or having reasonable grounds to know that doing so would induce, enable, facilitate or conceal copyright infringement?

Yes: ____ No: ____

10. Do you find that **Getty Images**, with respect to the eight photographs at issue,
- Intentionally removed or altered CMI without Mr. Morel's permission;
 - Distributed or imported for distribution CMI, knowing at the time of distribution or importation that the CMI had been removed or altered without Mr. Morel's permission; or
 - Distributed or imported for distribution Mr. Morel's photographs, knowing at the time of distribution or importation that the CMI had been removed or altered without Mr. Morel's permission,

while knowing or having reasonable grounds to know that doing so would induce, enable, facilitate or conceal copyright infringement?

Yes: ____ No: ____

11. If you answered "Yes" to either Question 9 or Question 10, how many violations do you find were committed by:
- AFP alone: _____
 - Getty Images alone: _____
 - AFP and Getty Images together: _____

Your answers to a, b, and c should not add up to more than 8.

DMCA—Actual Damages and Profits

If you answered “Yes” to Question 6, Question 7, Question 9, or Question 10, answer the following four questions in accordance with my Instructions 25 and 26. If you did not answer “Yes” to any of those questions, skip the following four questions.

12. Do you find that the Defendants’ DMCA violations caused Mr. Morel actual damages beyond what their copyright infringements caused him?

Yes: _____ No: _____

If you answered “No,” skip Question 13 and proceed to Question 14.

13. If you answered “Yes” to Question 12, write the total amount of actual damages attributable to the Defendants’ violations of the DMCA that you have not already awarded Mr. Morel in your answers to Question 1 and Question 2 above.

For violations that you find were committed by only one Defendant, write the total amount of actual damages for those violations next to the Defendant who committed the violations. For violations that you find were committed by both Defendants, write the amount of actual damages for those violations next to “Both Defendants.”

AFP (Question 8.a and Question 11.a): \$ _____

Getty Images (Question 8.b and Question 11.b): \$ _____

Both Defendants (Question 8.b and Question 11.b): \$ _____

14. Do you find that the Defendants received profits as a result of their DMCA violations that are separate from any profits attributable to their copyright infringement?

Yes: _____ No: _____

If you answered “No,” skip Question 15 and proceed to Question 16.

15. If you answered “Yes” to Question 14, write the amount of each Defendant’s profits attributable to their violations of the DMCA that you have not already awarded Mr. Morel in your answers to Question 1, Question 2, and Question 13 above.

AFP: \$ _____ Getty Images: \$ _____

DMCA—Statutory Damages

If you answered “Yes” to Question 6, Question 7, Question 9, **or** Question 10, **and** you answered “Yes” to Question 12 **or** Question 14, answer the following five questions in accordance with my instruction 27. If not, skip the following five questions.

16. If you answered “Yes” to Question 6 or Question 9, indicate whether you find that **AFP’s** DMCA violations were innocent or not.

Innocent: _____ Not Innocent: _____

17. If you answered “Yes” to Question 7 or Question 10, indicate whether you find that **Getty Images’** DMCA violations were innocent or not.

Innocent: _____ Not Innocent: _____

18. Awards against **AFP** acting alone:

- a. Write the total amount of damages for all DMCA violations that you have found were committed by **AFP** alone (Question 8.a and Question 11.a). Decide on a separate award for each violation and add those numbers up to reach a total.

\$ _____

19. Awards against **Getty Images** acting alone:

- a. Write the total amount of damages for all DMCA violations that you have found were committed by **Getty Images** alone (Question 8.b and Question 11.b). Decide on a separate award for each violation and add those numbers up to reach a total.

\$ _____

20. Awards against both Defendants jointly and severally:

- a. Write the total amount of damages for all DMCA violations that you have found were committed by both **AFP** and **Getty Images** (Question 8.c and Question 11.c). Decide on a separate award for each violation and add those numbers up to reach a total.

\$ _____

After completing the form, each juror who agrees with this verdict must sign this page:

Foreperson

Date: _____